

REMARKS

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

By this Amendment, claims 4, 11, 28 and 30 are amended, and claim 25 is canceled. In the Office Action, claim 25 was objected to; claims 4-15, 26, 28, and 30-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,019,769 to Levinson; claims 22, 23, and 25 were indicated as containing allowable subject matter; and claim 27 was allowed. Applicants thank the Examiner for the indication of allowable subject matter. The objection to claim 25 is obviated by the cancellation of that claim.

Allowable Subject Matter

The Examiner's allowance of claim 27 is appreciated. Applicants submit the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicants agree with the Examiner that the claimed invention of claim 27 is patentable over the prior art, but respectfully decline to concede to the reasoning of the Examiner's statement of reasons for allowance as set forth in the Office Action. Applicants submit that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicants do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

The Examiner has indicated that claim 25, among others, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have rewritten independent claim 4, from which claim 25 depended, so as to include all of the limitations of the base claim and the dependent claim. In particular, the scope of claim 25 has not been narrowed in any way so as to overcome any prior art, but has merely been rewritten in an independent format, as suggested by the Examiner. As acknowledged by the Examiner, that claim is patentably distinct from the prior art, and is now in a condition for allowance. Moreover, for at least the same reason, claims now depending from claim 4 – namely, claims 5-10, 22-23, and 26 – are also in a condition for allowance.

Similarly, independent claims 11, 28 and 30 have each been amended to include subject matter indicated by the Examiner as allowable with respect to claim 27. Therefore, Applicants submit that claims 11, 28 and 30 are allowable over the cited prior art. Further, for at least the same reason, claims depending from claims 11 and 28 – namely, claims 12-15, and 31-40 – are also in a condition for allowance.

In summary, claims 4-15, 22, 23, 26-28, and 30-40 are now pending in view of the above amendments, and all are patentably distinct from the prior art. Allowance of each of these claims is respectfully requested.

Rejection Under 35 U.S.C. §102(a/b/e)

Applicants respectfully request withdrawal of the rejection of claims 4-15, 26, 28, and 30-40 under 35 U.S.C. § 102(b) as being anticipated by Levinson for at least the reasons discussed above. Namely, each rejected independent claim, has been amended to include subject matter that was indicated by the Examiner as allowable. By dependence, each dependent claim also includes subject matter indicated by the Examiner as allowable.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,
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